



United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

November 7, 2013

By ECF Filing

The Honorable Richard M. Berman
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *United States v. Rudy Kurniawan, S1 12 Cr. 376 (RMB)*

Dear Judge Berman:

The Government writes to respectfully request an immediate status conference to address defense counsel's application from earlier today to allow two forensic psychiatrists to examine the defendant at the MDC. The defendant's request suggests that he may seek to raise a defense of insanity or claim that he is not competent to stand trial. Earlier today, we called Vincent Verdiramo, Esq., counsel for the defendant who filed the application, to seek clarification and Mr. Verdiramo told us, in sum and substance, that he could not disclose the reason(s) for the requested examination.

We are particularly concerned by Mr. Verdiramo's request because the two forensic psychiatrists listed in his letter were also listed by the defendant among the names of people who may be mentioned at trial. In other words, defense counsel may have already decided to present expert testimony to establish a defense of insanity or to offer inadmissible testimony about the defendant's mental state in an attempt to refute scienter. If so, the defendant has failed to comply with, among other things, Rule 12.2 of the Federal Rules of Criminal Procedure which requires notice of both intent to raise an insanity defense and intent to offer expert evidence of a mental condition.

Hon. Richard M. Berman
November 7, 2013

Page 2

At present, we are only 32 days away from trial in this matter and the Government is actively preparing for trial, including making arrangements for several witnesses to travel from faraway places like France, California, and Oregon to testify. Given the history of delays in this case, we have abiding concerns that defense counsel's request is a last-minute attempt to delay the trial. Accordingly, we respectfully request an immediate status conference to address defense counsel's application.

Respectfully submitted,

PREET BHARARA
United States Attorney

by: ____/s/ Jason Hernandez_____
Jason P. Hernandez
Joseph P. Facciponti
Assistant United States Attorneys
(212) 637-1024/2522

Cc: Jerome Mooney, Esq. (By ECF & Email)
Vincent Verdiramo, Esq. (By ECF & Email)